

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 15-04159 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 69.181.25.79,

ORDER DISMISSING CASE

Defendant.

Plaintiff Malibu Media, LLC, commenced this action on September 11, 2015. Pursuant to Rule 4(m), the deadline to effectuate service was January 11, 2016. On October 18, an order granted Malibu Media's request to serve a third-party subpoena on defendant's Internet provider for the purpose of acquiring defendant's identifying information. Malibu Media received the identifying information on December 14, 2015.

Malibu Media had twenty-eight days to effectuate service once it received defendant's identifying information. On January 6, Malibu Media sought leave to file under seal its amended complaint, proposed summons and return of service, which motion was granted on January 7. The order granting Malibu Media's sealing motion extended the deadline to effectuate service to January 15. The proposed summons issued on January 7.

1 On January 15, Malibu Media sought to further extend the deadline to effectuate service.
2 An order extended the deadline to January 29. Malibu Media sought another extension,
3 averring that its process server had made numerous attempts to serve defendant at different
4 times of the day, to no avail. An order further extended the deadline to February 16.

5 Malibu Media has not served defendant and has made no request for an extension or
6 otherwise shown that good cause exists to further extend the deadline. Accordingly, this case is
7 hereby **DISMISSED** for failure to timely effectuate service. The Clerk shall please **CLOSE THE**
8 **FILE.**

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10 **IT IS SO ORDERED.**

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12 Dated: March 1, 2016.

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14 WILLIAM ALSUP
15 UNITED STATES DISTRICT JUDGE
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